



US Environmental Protection Agency

TRANSCRIPT

EPA conference call on Clean Air

December 20, 2005

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**Moderator: Stephen Johnson
December 20, 2005
2:30 pm CT**

Operator: Good afternoon. My name is (Maryann) and I will be your conference facilitator today. At this time I would like to welcome everyone to the EPA conference call on Clean Air. All lines have been placed on mute to prevent any background noise. After the speakers' remarks there will be a question and answer session. If you would like to ask a question during this time simply press star then the number 1 on your telephone keypad. If you would like to withdraw your question, press star then the number 2 on your telephone keypad.

Thank you. I would now like to turn the conference over to Ms. (Eryn) Witcher. Ms. Witcher you may begin.

(Eryn) Witcher: Thank you everyone for joining us today. I'm sorry for the delay. We had to get a large volume of folks on. Because of the unique nature of the call I just want to go over the ground rules. The information that we're going to give today is embargoed until midnight.

(Eryn) Witcher: Yes. We're going to go ahead and move on and we will now introduce the administrator. EPA Administrator Stephen Johnson, S-T-E-P-H-E-N Johnson, J-O-H-N-S-O-N. He will give us our opening remarks then we will open it up to questions and answers. And the folks that give answers, they will identify themselves. The first time around they'll give their spelling and their title and in the future they'll just identify their name. With that I turn it over to the administrator.

Stephen Johnson: All right. Thanks (Eryn) and thank you all for joining me today on the call. Air quality in our communities is cleaner than ever before. Since the passage of the Clean Air Act we've cut pollution by more than 50%. The Bush Administration is building on that success through innovative policies that are driving clean air progress further and faster. And there's more work to do.

As many of you know, the Clean Air Act requires periodic review of air quality standards. In its most recent review EPA is addressing air quality concerns posed by particulate matter pollution.

When President Bush asked me to become administrator of EPA he charged me with accelerating the pace of our nation's environmental progress. As a career scientist I know that in order to meet the president's challenge, EPA needs to make decisions based on the best available science. Based on the best available science that we have studied to date, EPA is proposing to strengthen national air quality standards for particulate matter.

Particulate matter is linked to various health problems, particularly for the most vulnerable among us. This proposal aims to protect public health and improve air quality while recognizing that the science of particulate matter continues to evolve and contains uncertainties on many levels. EPA recognizes that due to the 2002 cut off date of the agency's initial review, newer studies were not factored into our proposal.

These studies address many important issues and continue to advance our knowledge of particulate matter. For that reason we will review and evaluate the latest studies to insure that the agency's final decision rests on the most complete objective and up to date science. To address the latest science and differences of opinion over how or whether to revise national air quality standards for particulate matter the agency seeks full public participation in studying other proposals that address particulate matter.

Reducing fine particles is a central element of the Bush Administration's national clean air strategy. The administration has proposed clear skies legislation and issued a number of rules that will make significant strides toward reducing particles regionally and nationally. The new suite of rules includes EPA's recent clean diesel program to reduce pollution from highway, non-road and stationary diesel engines. The clean air interstate rule to reduce pollution from power plants in the eastern United States and the clean air visibility rule to reduce emissions in our national parks.

Armed with these innovative clean air policies and the best available science, we will continue to improve air quality and public health. This proposal is yet another step to insure the American people have cleaner air and healthier lives. (Erin)?

(Eryn) Witcher: Thank you. We're now going to turn it over to William Wehrum, the Assistant Administrator for the Office of Air and Radiation. It's W-E-H-R-U-M and it's - go ahead and go by Bill Wehrum, B-I-L-L Wehrum, W-E-H-R-U-M. Thank you.

William Wehrum: Hi this is Bill. What I'm going to do is take a couple of minutes and just to give you a little bit of detail about what we plan to propose and what the administrator will sign later tonight and then we'll open it up for questions that folks may have about what I've described or other questions you may have.

First, just some of the basics about why we're doing what we're doing. We set ambient air quality standards for a limited number of pollutants. The purpose of those standards is to specify a concentration in the air that we have determined to be requisite to protect public health within an adequate margin of safety.

And then many of our clean air programs are designed to reduce levels of pollution so that we meet those standards in parts of the country where they're not currently met. Or in areas that currently meet those standards our programs require that there be measures in place to make sure air quality does not degrade or get worse than it already is.

So this is a key component of our clean air programs and our clean air strategy. When we have an ambient air quality standard in place, the law, the Clean Air Act requires us every five years to look at the most recently available scientific information and make a judgment as to whether the existing standard needs to be revised. So what we are undertaking today is a proposed action consistent with that requirement under the act with regard to the standards, ambient air quality standards for particulate matter.

The current standards, we actually have a suite of standards directed at particulate matter. One set of standards we call the fine particle standards or sometimes it's called PM2.5. And that set of standards is directed at regulating particles with a diameter of 2-1/2 microns or smaller. And this is a particular subset of particles that's distinguishable from other types of particles in the air and studies have shown how particular types of health effects associated with inhalation.

And typical sources of these kinds of particles and these particles are so fine in fact that you may not even see them in the air. They're that small. But a typical source might be combustion like vehicles, power plant combustion and the like. The other set of standards we have in place go at larger particles. We have a current set of standards that we call PM10. And that's for all particles of a size of 10 microns or smaller.

And this goes at somewhat larger particles than the first set which come from different kinds of sources, typically just mechanical abrasion. They

tend to be larger and have a different set of health effects and are distinguishable from the much smaller ones I described earlier.

Our proposal on for fine particles - well one more thing about the fine particle standard, we currently have two standards in place for fine particles. One assesses air quality over an entire year. That's what we call an annual standard. The other is a short term standard that we determine compliance over a 24-hour period of time. That's our daily standard or 24-hour standard. For the annual standard, the current level is 15 micrograms per cubic meter. We will propose to retain this standard in today's action.

For the current 24-hour fine particle standard the level of 65, the current level 65 micrograms per cubic meter, we will propose to adjust that value downwards to 35 micrograms per cubic meter. An important part of this fine particle proposal and all other aspects of the proposal I will describe to you today is that these proposals in our assessment is based on highly complex technical information, health studies and the like. In the case of fine particles there is a substantial volume of that information available, much of which has become available since the last time these standards were reviewed which was in 1997.

And because of the volume and the complexity of this information people who follow these issues have in some cases different opinions as to what that evidence indicates. So in some cases informed reviewers will look at the information and believe that a less stringent standard might be appropriate. In other cases they will draw the different conclusion and believe that we should propose to be more stringent.

So a hallmark of this proposal is we are asking for comments on what we consider to be the credible range of possible other choices that we could make. So in the case of the annual standard we're going to propose to keep the current level of 15 but we explain the reasons why some people think we might should adjust that standard downward. And we ask for comments from people who believe that we should do that and information supporting that belief.

And we're hoping that we'll get a robust public comment period and we'll also have the opportunity for public hearings and then have available a lot of opinions and a lot of diverse views when the time comes to make a final decision. And I should have pointed out earlier, we're required to make a final decision by the end of September of next year.

The annual fine particle standard we will propose to retain its 15 micrograms per cubic meter. Twenty-four hour standard we will propose to lower from the current level of 65 to 35.

The situation is a little bit more complicated for the PM10 standard that I described earlier. And as with fine particles, we currently have an annual standard and a 24 hour standard on the books.

In the case of the annual standard, we are going to propose to rescind the PM10 annual standard largely and completely on the grounds that we do not believe that science supports a long term standard. And we looked at the evidence. And the evidence is quite clear that there just is not a significant association between exposure to these types of particles on a long term basis and discernible health effects.

So on the basis of that information, we're proposing to rescind the annual standard. In the case of the short term PM10 standard, as of results of the litigation from the last round of review which occurred in 1997, we already have a decision from the DC Circuit Court of Appeals indicating that they have serious concern about our use of the PM10 form of the standard in trying to regulate these particles. They just - the court determined that they didn't think it was well designed to address the health effects we were attempting to regulate here.

So we're seeking to do a couple things in our proposal on the 24 hour standard. One is to move away from a PM10 form of a standard to a different form that's more closely focused on the health effects that we think exist.

And the second thing is we do plan to propose a 24 hour standard. But the standard that we intend to propose is going to be focused on the particular health effects that we think the study show. And those health effects seem to indicate a concern with exposure to these particles from urban type areas, areas where you can expect particles to be contaminated by human activities, like vehicle traffic and industrial activity.

But conversely we believe the data show that particles of what we call a crustal material which is basically Earth and dirt and materials you would find in the natural environment that may become airborne and take the form of this kind of particle that the science does not conclusively show that exposure to that type of crustal material creates health effects.

So the sum of all of that is we will propose a 24-hour standard for what we will now call coarse particles. The form of the standard has changed

somewhat to address the concern of the court from the last round of review. And the strategy for regulating will change somewhat to reflect what we think the science shows.

And again, we believe the science shows that particles derived from certain types of sources and certain activities are the ones that we think are possibly causing health effects, but similar sized particles from other types of sources and mainly those generated from Earthen materials and crustal materials do not appear, are not associated with health effects. And so we're designing the standard so as not to regulate particles from those types of sources.

The last part of this proposal is called a secondary standard. Everything I've talked about so far is what we would call a primary standard. A primary air quality standard is one that's designed to protect human health. So everything I've talked about so far is based on studies indicating possible effects on human health.

A secondary standard is designed to protect the environment. And in the case of particulate matter, we will propose a secondary standard to protect or to improve visibility in urban areas. We know for a fact that certain kinds of particles, in this case, the fine particles I talked about earlier, in fact, affect visibility if they're present in high enough concentrations in the air so they can obscure visibility and reduce vistas.

We have other programs under the Clean Air Act that deal with visibility in pristine areas like national parks. We don't currently have programs to protect visibility in urban areas. So we are proposing to set a secondary standard for fine particles. It'll be a 24-hour short term standard set at the same level as the primary 24-hour health-based standard, the primary standard. So we're proposing to set it at 35 micrograms per cubic meter.

But the purpose of the secondary standard is to reduce particulate fine PM in the air to improve visibility in urban environments. That is believe it or not, a pretty quick overview of what it is we're going to do today. And I'll stop here and see if folks have questions. And we'd be more than happy to answer questions.

(Eryn) Witcher: Again, in the interest of time, we're going to ask for one question per person. And operator, can you remind us of how to ask a question?

Operator: If you would like to ask a question, please press star then the number 1 on your telephone keypad. We'll pause for just a moment to compile the Q&A roster.

Your first question comes from Traci Watson with USA Today.

Traci Watson: Hi. Thanks for taking my question. I'd like to find out how you justify setting standards that are higher than what your own Science Advisory Council recommended?

Stephen Johnson: Good. This is the Administrator. First of all, I looked at all the science with my staff. In fact, I'm told that I spent more time than any other administrator looking at the science on this issue of particulate matter. And I made my decision based upon the best available science.

Now as been pointed out by (Bill) Wehrum, we are taking comments on the divergent views. But I made my decision based upon the best available science.

(Eryn) Witcher: Thank you. Next question.

Operator: Your next question comes from Mike Janofsky with New York Times.

Mike Janofsky: Mr. Administrator, if you made your decision on the best available science, does that mean that the Advisory Committee and also your staff did not have the best available science to make their recommendations?

Stephen Johnson: There's a lot of factors to consider as pointed out that we certainly appreciate and support the Clean Air Advisory Committee. But again, what I need to consider is, is there a clear basis for - or clear evidence provided for making a decision? And this choice requires judgment, judgment based upon an interpretation of the evidence. And certainly in my mind, an interpretation of the evidence that neither overstates nor understates the strength or the limitations of the evidence. So that's what I base my decision on.

And again, what's important to note here, this is a proposal. We are beginning the public comment process. There are divergent views. And so we'll begin that process. And I will base my decision, ultimate decision on the best available science.

(Eryn) Witcher: Thank you. Next question.

Operator: Your next question comes from Juliet Eilperin with Washington Post.

Juliet Eilperin: Hi. Sorry I - I'm going to try to sneak in two very quick - I was wondering if you could elaborate again what would be the factors given that there's a

known scientific link between fine particulate matter and premature death?
What are the factors that influence your decision?

And also can you give estimates on how many counties will now be out of compliance or how this will affect the current stats? I believe it's something like roughly 100 million Americans are breathing air, a little more than that, that don't meet the current '97 standards. Do you have any stats to give us a sense of what is the challenge this presents for states that they have to meet by 2015 I believe it is?

Stephen Johnson: Good. This is the administrator again. Let me just start by saying this is very complicated and there are a number of factors that went into our - coming up with what our proposal is. (Bill), if you want to get into some of the specifics that...

William Wehrum: This is (Bill) Wehrum speaking. I would just answer by saying -- and I'll repeat much of what the administrator said, but it's exactly the right answer. These are highly complex issues. And we have a substantial body of information available to evaluate.

So our task and the administrator's task in making a judgment as to what's proposed and in considering the public comments we receive and ultimately in making a final decision in September is to make our best assessment of what the evidence indicates as to whether there are health effects and at the levels that we believe the health effects may be seen and the level that we should propose that's requisite to protect public health with an adequate margin of safety.

I've used that phrase a couple times, but that's what the law says is the yardstick we use. We have to set a standard that's requisite to protect public health with an adequate margin of safety. That's a task we take very seriously. And we and our staff have spent countless hours reviewing this information giving our best assessment of the information. And it's a voluminous proposal as you see and as you will see when it becomes available.

And we earnestly are seeking input as input from people who support the positions that we describe but also input from people who look at the same data and draw a different conclusion. And we're anxious to understand the basis for the different conclusion. And we'll certainly take that into consideration in taking the final action.

Operator: Your next question comes from Mike Lee with San Diego Union Tribune.

Mike Lee: Thank you for taking my call. I would like to do two things. One is suggested that the last question wasn't actually answered with regards to the number of counties that would be out of compliance. And I think everybody on the call would be interested in that.

In addition, I'd like you to address what this means for rural areas like the Central Valley, Imperial Valley where it seems like you're taking your hands essentially off them in a regulatory sense because this PM10 standard is what drives a lot of the regulatory actions in those areas where plowing and tilling creates a lot of air pollution.

Bill Wehrum: On the number of counties -- and my apology, I just - that one fell out of my mind in answering the first question -- one of the documents that we're going to publish later tonight or early tomorrow is a short and very accessible document that will provide information on what we predict to be the areas that meet the standards of the various levels that we're proposing and asking for comment on and more importantly the area that we project may not meet.

So you'll have that available. It's a relatively short and easily accessible document. And that'll answer a lot of the questions that you have.

And let me just take a moment and I'll answer your second question in a moment. But John Bachmann from my staff who is one of our experts and scientists, I would just ask John if you can just generally characterize or provide an answer?

John Bachmann: Sure. And there's a lot of numbers here in East West and there's maps so it's impossible to characterize it adequately. But I'll do it simply by reference to the number of counties that we now have monitors or fine particles in that violate the standard today that - the current standard we have today and it would violate the proposed standard in the future.

By the way, it's John Bachmann, Associate Director For Science Policy. That's B-A-C-H-M-A-N-N.

In any case, the numbers are 116 counties nationwide with monitors today would violate - do violate according to our most recent data, the current standards. Under these new standards, the proposed standards of 15 micrograms per cubic meter and 35, 191 would violate it.

In future years under the programs that the administrator talked about, there'd be far fewer counties in either scenario. And we - by 2015 which was one of the questions we project with some uncertainties that nationwide

there would be 32 counties that would violate the current standards and 76 that would violate the proposed new standards if no additional actions are taken by states which they will.

So in our base programs, the programs that the administrator and (Bill) described, (CAIR) and the other programs, there's a tremendous improvement under either scenario. And the control strategies that we've already adopted are doing a lot for both kinds of - for the current and the future standards.

William Wehrum: Thank you John. And this is (Bill) Wehrum again. To the second part of the question, you know, the theme I'm sure you've picked up in this discussion is we go where the science takes us. And what you'll see when you look at the proposal is that the science available on coarse particles -- which I think you were asking about air quality in areas that I think are dominated by agricultural type sources.

I think what you'll see when you read our proposal is the information that we have available and the studies available on the human health effects of exposure to coarse particles. Again it - what it indicates is we think we see health effects associated with exposure to these particles when those particles are generated in environments where you would expect human-type activity to possibly contaminate them. So vehicular traffic and industrial activity -- that's - those are the sorts -- cities, basically -- the kind of areas where we believe we see the health effects.

And we just don't have information indicating that those effects are seen in areas where the exposure to this type of particle is from particles that predominantly consist of (crustal) material. So it's an important question and one that we discussed at length in the proposal. And this is a good example of where people are going to look at the data. And we know there're divergences on this question and it's an important part of this public comment process to understand those views and take them into account when we take a final action.

And I should note -- by the way, there's been some discussion of the fact that the data on which we're relying and the scientific assessments have gone through scientific review by objective panels -- in this case by a group called the Clean Air Science Advisory Committee -- CASAC we call it.

And that committee, when they reviewed these data and reviewed the state recommendations of drawing a distinction in the way that I've described between the types of coarse particles and how they're derived and the potential health effects, our science advisors support the idea of creating this

distinction and believe that the data, you know, they have indicated to us they believe that the data indicate this distinction exists.

(Eryn) Witcher: Thank you. Next question.

Operator: Your next question comes from Tom Avril with Philadelphia Inquirer.

Tom Avril: I was just calling to ask, do you have any sort of a rough estimate as to what percent reduction in mortality will occur as the result of these standards?

William Wehrum: The proposal includes a risk assessment or refers to a risk assessment. And there will be a companion document that's published early next year at about the time this proposal actually gets published in the Federal Register. Let me back up. I'm being complicated.

What we're going to do later today is sign a proposed rule. Our (bureaucracy) is such that it takes a few days -- and in this case probably a few weeks -- before this proposal actually appears in the Federal Register. And that's when it has legal effect and that's when the comment period actually starts -- when the publication occurs. So we -- as is typical of significant regulatory actions of this sort -- are going to do a regulatory impact analysis to attempt to assess the costs and the benefits of setting the standard at various levels.

So that document is going to be completed in early January and will be available for review during the comment period on the proposal itself. So I - my recommendation - again it's a difficult question to answer in the generic. My recommendation is to take a look at the proposal where we will speak to these issues when it's available later tonight or tomorrow on the web and then take a closer look at the RAA where we will analyze these issues in much more detail.

Stephen Johnson: This is the administrator. We are planning to make this a 90-day public comment period. So we believe there'll be ample opportunity for people to provide if there's new scientific information and/or comment.

(Eryn) Witcher: Thank you. Next question.

Operator: Your next question comes from James Bruggers with Courier Journal.

James Bruggers: Terrific. I was wondering - I guess I'd like to follow up on (Tom). Are you saying that you don't have good numbers yet on how this will help people live longer -- avoid early death? And then secondly I just want to make sure

I understand what exactly the process is when the public can actually start to comment. Thank you.

William Wehrum: Okay I'll answer the second question first and then I'll refer your first part of your question back to John Bachman, who has the figures in front of him. We have - we actually have figures -- estimates -- of the public health improvement that could be gained by setting that standard at the levels we propose. And John can talk about that in a second.

Just a 30-second digression on the regulatory process here -- this is a proposed rule making. So once it is published in the Federal Register -- and again that's likely to happen early next year, first or second week of January -- a public comment period will commence. And in this case it will last for 90 days. And within that 90 days we will ask anybody in the public -- and that's any interested party who has a view about any aspect of this proposal -- to submit their comments to us.

And we'll put those comments in the record of the rule making. We will read them very carefully. We have an obligation to respond to all significant comments before we take a final action. And then when we take our final action next September, that action will have the benefit of all of the public comment received. So it's - that's what we call the Notice and Comment rulemaking process and it's an integral part of how we do business here at EPA.

One other piece of that is (that) we will also offer the opportunity for a public hearing -- and surely we will have public hearings. And in fact we're planning to have three of them in three different places in the country. And so folks who have an interest in actually standing up and speaking of their concerns and telling us on the record first hand what their concerns are will have that opportunity. So that's the administrative rule-making process that we undertake. John Bachman, can you speak a little bit to the question about the public health improvement?

John Bachman: Well it - we have not yet done a national analysis. The analysis that we have on risk that we have now available for you to look at and - is on the web right now. It is a analysis of risk reductions in several cities. So the answer is different in each city. And I don't have those - that information in front of me. I will tell you that our general estimates nationwide don't exist yet because the RAA is not done, but I will tell you that some of the actions we've taken recently to give you a sense of the scale.

And the importance of the problem suggests that tens of thousands of Americans die early from (particular) matter actions recently taken -- for

example, the CARE rule we mentioned earlier to meet the current standard and will help on these new standards -- would prolong 17,000 lives a year. So these kinds of reductions we get out of meeting these standards are fairly significant. We simply don't have a national estimate we can give you on this particular option at this time.

(Eryn) Witcher: And just so everyone knows, the website where they can - be able to find all this is www.epa.gov - or [.gov/air/particles](http://www.epa.gov/air/particles). And with that we'll go to the next question.

Operator: Your next question comes from Elizabeth Shogren with National Public Radio.

Elizabeth Shogren: Following on that question, Mr. Bachman, I understand that you did some analysis -- you - not maybe personally, but at EPA -- of these several cities. And not just of what happened at - by keeping the standard - the annual standard at 15, but also lowering it to a lower number -- 14, 13, 12. Can you say how many deaths in these cities would be avoided by putting the standard lower than where EPA chose to put it from - based on that analysis?

William Wehrum: Hey John this is (Bill). Let me jump in and answer that question. Our - we had two - we have two primary tools available to help us make judgments about where to set the standard. One is what we - the evidence, you know, the studies that in various ways indicate the existence or lack thereof of a health effect associated with exposure to these types of particles.

The second we have available -- which these last couple questions have been directed at -- is the risk assessment, which attempts to quantify -- to the degree that we can -- and - it attempts to quantify to the degree that we can the improvements in various public health parameters that might be achieved by setting the standard at particular levels.

Our - the proposal reflects the belief that we first have to focus on the evidence and make a determination as to what level we believe the evidence would support setting the standard. In this case -- as we talked about earlier -- we believe that the evidence supports proposing to keep the standard at 15 micrograms per cubic meter.

And as a result of that determination -- or at least that proposal and tentative determination -- we then look at the risk assessment to assess what improvement in public health we may be able to achieve by setting the standard at that level.

And I describe it that way because the risk assessment does include levels below that which we have proposed but it's very important to understand that that's only relevant if the science indicates that (an effect) exists at those levels. And the proposal reflects our belief that 15 is the level that's requisite to protect public health. So it's important to do the analysis in the proper sequence.

(Eryn) Witcher: Great thank you. I think we'll have time for one more question.

Operator: Your next question comes from Rex Springston with Richmond Times.

Rex Springston: If I understand you correctly, are most of these localities going to have to do nothing? Will simply complying with the CAIR rule and the diesel rule and so forth bring them into compliance? And I also I do have the (parochial) question about, you know, what localities in Virginia - what they'll have to do. If you can't tell me now you, can tell me who I can talk to later?

John Bachman: Yes, our website will include detailed information...

Rex Springston: Yes.

John Bachman: ...about our predictions as to what - which areas we think will meet and which areas will not. So I would refer you first to that. And if that's not clear enough we will certainly be available during the duration of this exercise...

Rex Springston: Yes.

John Bachman: ...to help folks out. The - in answer to the first part of your question, the answer is, it is - it's our belief that existing programs like CAIR and the highway diesel rule for tractors and trailers and the recent what we call (non-road) rule for things like bulldozers, those programs are - they require substantial reductions in emissions for those various types of sources -- CAIR (goes at) power plants, mobile sources go with big trucks and bulldozers and other heavy equipment using diesel engines.

And our prediction is that given time to take effect, those standards by themselves would in fact bring many areas into attainment with the standards that currently would not attain at the levels that we propose. But it is also true that there would be some number of areas where additional local measures would be necessary to reach attainment.

It's typically the case that where there is an air quality problem, it's more often true than not that it will be a combination of factors that are contributing to that air quality problem -- some of which we address, and in

some cases very significantly through our federal programs. But in many, many cases, some additional local measures will be necessary to get them over line and into the clean air.

(Eryn) Witcher: Great. Thank you everyone for joining us. For those of you who don't have our press office number, it's (202) 564-4355. Again thank you very much and have a nice evening.

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